

_____	*	IN THE
Plaintiff	*	CIRCUIT COURT
vs.	*	FOR
_____	*	KENT COUNTY
Defendant	*	CASE NO: _____
* * * * *	*	

ORDER TO APPOINT BEST INTEREST ATTORNEY

After having the parties and their attorneys appear at a Scheduling Conference, conducted on **Date**, before Domestic Relations Master Name, this Court concurs with the recommendation that the appointment of a Best Interest Attorney is in the "best interests" of the minor child(ren) who is/are the subjects of this action: to wit, Child's Name, born date of birth. It is this _____ day of _____, 20 __, by the Circuit Court for Kent County, Maryland, hereby,

ORDERED, that Name of Child's Attorney, of Name of Law Firm, located at _____ and whose telephone number is: _____, is appointed as a Best Interest Attorney and also is appointed as a Children's Privilege Attorney in accordance with the Maryland Standards of Practice for Court-Appointed Lawyers representing Children in Custody Cases. A Best Interest Attorney is a court-appointed lawyer who provides independent legal services to protect a child's best interest, without being bound by the children's directives or objectives. A Children's Privilege Attorney is a lawyer appointed in accordance with *Nagle v. Hooks*, 296 Md. 123 (1983), to decide whether to assert or waive any statutory privilege, on behalf of a minor child in a custody case; and it is further,

ORDERED that, the Best Interest Attorney shall present ~~the~~/each child's respective needs and wishes to the Court but the overriding obligation of the Best Interest Attorney shall be to assist the Court in determining the best interest of these children; and it is further,

ORDERED, that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court; it is further,

ORDERED, that immediately upon receipt of this Order each party shall provide the attorney appointed herein the names and known addresses and telephone numbers of any and all mental health providers who have evaluated or treated any of these children and anyone else with whom the children may have a privilege pursuant to a Statute; and it is further,

ORDERED, that the attorney appointed herein, shall assert or waive any privileges, no later than **ten (10)** days before the merits hearing, when it is scheduled; and it is further,

ORDERED, the attorney appointed herein shall have reasonable access to the child and to all otherwise privileged or confidential information, including but not limited to any protected health information, about the children without the necessity of any further Order of Court. The attorney's access to privileged and confidential information shall be without the necessity of a signed release, including medical, dental, social services, psychiatric/psychological, drug and alcohol treatment, law enforcement and educational records and information; and it is further,

ORDERED, that the attorney appointed herein shall not have any ex parte communications with the Court. The attorney/client privilege shall be respected at all times. As such, the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys, and the attorneys for the parties may not speak with the child without the prior permission of the attorney appointed herein; and it is further,

ORDERED, that unless a party has filed a *Motion for a Waiver of Family Services Fees* no later than **seven (7) days** from [date of the scheduling conference], the attorney appointed herein shall be compensated as follows:

Payment into Attorney's Trust Account _____, Plaintiff, is hereby directed to mail a check payable to the Attorney appointed herein, in the amount of: **Three Hundred Fifty Dollars (\$350)** and send payment to the address listed on page one within **10 days after receipt** of this Order. These monies shall be deposited into her trust account and the attorney is authorized to draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel, and Family Law Service. The attorney appointed herein may submit a bill for services to the Court at the conclusion of the case or upon earlier motion. Final allocation of the fees shall be determined by the Court at a hearing on the merits of this case or upon Petition of the Attorney appointed herein. Attorney for the children shall be entitled to charge an hourly fee not to exceed _____ Dollars (\$XXX) per hour.

Payment into Attorney's Trust Account _____, Defendant is hereby directed to mail a check payable to the Attorney appointed herein, in the amount of: **Three Hundred Fifty Dollars (\$350)** and send payment to the address listed on page one within **10 days after receipt** of this Order. These monies shall be deposited into her trust account and the attorney is authorized to draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel, Family Law Service, and any self-represented party. The attorney appointed herein shall submit a bill for services to the Court at the conclusion of the case or upon earlier motion. Final allocation of the fees shall be determined by the Court at a hearing on the merits of this case or upon Petition of the Attorney appointed herein. Attorney for the children shall be entitled to charge an hourly fee not to exceed _____ Dollars (\$XXX) per hour; and it is further,

ORDERED, that the Court reserves the right to assess as costs any unpaid fees owed to the Children's Best Interest Attorney to one or the other or both parties at the conclusion of this matter; and it is further,

ORDERED, that this appointment shall terminate after 30 days from the entry of a final Order, unless otherwise ordered by this Court; and it is further,

ORDERED, that the Clerk of Circuit Court shall distribute copies of this Order to the parties, the parties' attorney, the Best Interest Attorney, and to the Family Law Coordinator.

Paul M. Bowman
JUDGE